

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In re:

Chapter 7

Fintegra LLC,

Bky. No. 15-43240 (MER)

Debtor.

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**JOINT STIPULATION REGARDING ABEYANCE OF RELIEF SOUGHT IN MOTION  
FOR ORDER AUTHORIZING RULE 2004 EXAMINATIONS**

Nauni Manty, as Chapter 7 Trustee for Fintegra LLC (the “Trustee”), and Pershing LLC (“Pershing,” and together, the “Parties”), hereby stipulate to the following:

1. WHEREAS, on September 23, 2015, the Trustee file a Motion for Order Authorizing Rule 2004 Examinations (the “Motion”).

2. WHEREAS, in the Motion, the Trustee seeks, among other things, documents from Pershing regarding the Debtor’s assets and financial affairs and the authority to issue a subpoena to examine a representative of Pershing regarding the Debtor’s assets and financial affairs.

3. WHEREAS, Pershing acknowledges that it has documents regarding the Debtor’s assets and financial affairs.

4. WHEREAS, in order to avoid unnecessary cost to Pershing and to the bankruptcy estate, Pershing and the Trustee have agreed to hold in abeyance the Trustee’s request in the Motion to examine a representative of Pershing.

Based upon the foregoing, the parties stipulate as follows:

1. The Trustee's requested relief for authority to issue a subpoena to examine Pershing shall be held in abeyance and such relief shall not be included in any order granted by the Court on the Motion.

2. Pershing shall not object to the Trustee's request in the Motion for subpoena power pursuant to Bankruptcy Rules 2004(c) and 9016 to seek the production of documents related to the Debtor's assets and financial affairs from Pershing.

3. Should the Trustee determine that an examination under Bankruptcy Rule 2004(b) of a representative of Pershing is necessary, the Trustee shall give Pershing a minimum of 5 days' notice (the "Notice") that the Trustee intends to seek a subpoena for the examination of a representative of Pershing.

4. Service of the Notice shall be accepted by the below-signed counsel for Pershing.

5. The agreements set forth in this Stipulation are not intended nor shall they prejudice any of Pershing's rights to object to the scope of the requests or topics of examination set forth in any subpoena issued by the Trustee to Pershing.

*[Signature page follows]*

In accordance with Local Rule 9011-4(f), the non-filing party authorizes the filer to submit this document with his electronic signature.

Dated: October 5, 2015

**MANTY & ASSOCIATES, P.A.**

/e/ Jacqueline Williams

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*Attorneys for the Chapter 7 Trustee*

Dated: October 5, 2015

**FAEGRE BAKER DANIELS LLP**

/e/ Christopher J. Harayda

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*Attorneys for Pershing LLC*

**UNSWORN CERTIFICATE OF SERVICE**

I, Christopher J. Harayda, declare under penalty of perjury that on October 5, 2015, that the foregoing Joint Stipulation Regarding Abeyance of Relief Sought in Motion For Order Authorizing Rule 2004 Examinations was served via ECF by the Bankruptcy Court in the District of Minnesota on the persons who requested electronic service in this case.

Executed on: October 5, 2015

Signed: /e/ Christopher J. Harayda

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**ORDER**

Based upon the Stipulation dated October 5, 2015, and upon all files, records, and proceedings herein,

IT IS ORDERED,

1. The Trustee's requested relief for authority to issue a subpoena to examine Pershing in the Motion for Order Authorizing Rule 2004 Examinations (the "Motion") shall be held in abeyance and such relief shall not be included in any order granted by the Court on the Motion.

2. Pershing shall not object to the Trustee's request in the Motion for subpoena power pursuant to Bankruptcy Rules 2004(c) and 9016 to seek the production of documents related to the Debtor's assets held at Pershing.

3. Should the Trustee decide to renew the portion of the motion seeking approval for the issuance of a subpoena to take the deposition of Pershing pursuant to Bankruptcy Rule 2004(b), the Trustee shall give Pershing a minimum of 5 business days' notice (the "Notice") to respond to or oppose the renewed motion.

4. Service of the Notice, if any, shall be accepted by counsel for Pershing, Christopher J. Harayda of Faegre Baker Daniels LLP.

Dated:

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Michael E. Ridgway  
United States Bankruptcy Judge